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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

Letter dated 25 September 1992 from the Permanent Representatives of Bosnia and Herzegovina and Croatia to the United Nations addressed to the Secretary-General

The General Assembly of the United Nations has taken a vote at its forty-seventh session, adopting its resolution 47/1 on 22 September 1992, under agenda item 8.

The General Assembly has acted upon the recommendation of the Security Council as expressed in Council resolution 777 (1992) of 19 September 1992, which recalls its previous resolution 757 (1992) of 30 May 1992 by stating that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not be granted its claim to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia.

The General Assembly, by adopting its resolution 47/1, considers "that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia". The Assembly has decided "that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations".

Security Council resolution 777 (1992) clearly states that the member country and founding member of the United Nations, formerly known as Socialist Federal Republic of Yugoslavia, "has ceased to exist". Therefore, a State that does not exist cannot be a member of the United Nations.

At this moment, there is no doubt that the Socialist Federal Republic of Yugoslavia is not a member of the United Nations any more. At the same time, the Federal Republic of Yugoslavia is clearly not yet a member.

If a country has to apply for membership in the United Nations - as stated in paragraph 1 of General Assembly resolution 47/1 - it is our understanding that the country in question is not a member until and when the application has been accepted by the General Assembly, upon the recommendation of the Security Council.

The flag flying in front of the United Nations and the name-plaque bearing the name "Yugoslavia" do not represent anything or anybody any more. The flag has been renounced by Belgrade. The "new Yugoslavia" has adopted a flag different from the one flying in front of the United Nations. The name "Socialist Federal Republic of Yugoslavia", which the name-plaque represents, has also been renounced by Belgrade.

We do not see any legal ground for such a policy.

Therefore, we kindly request that you provide a legal explanatory statement concerning the questions raised. If we find no satisfactory legal grounds in your statement, we reserve the right to request formally at that time that you act in your capacity as the chief executive of the United Nations, and order the flag of the former Socialist Federal Republic of Yugoslavia lowered from the honourable mast of the United Nations; the name-plaque of the former Socialist Federal Republic of Yugoslavia removed from the General Assembly Hall and all its organs, and the seating organization of that august body adjusted accordingly.

(Signed) Muhamed SACIRBEY
Permanent Representative of the
Republic of Bosnia and
Herzegovina to the United Nations

(Signed) Mario NOBILO
Permanent Representative of the
Republic of Croatia to the
United Nations